

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CRIMINAL NO. 1:06-CR-0360
	:	
v.	:	(Judge Conner)
	:	
COREY ANTOINE FOSTER	:	

ORDER

AND NOW, this 29th day of January, 2009, upon consideration of defendant's *pro se* motion (Doc. 50), to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) and retroactive amendments to the United States Sentencing Guidelines, and it appearing that the court subsequently appointed Dennis Boyle, Esquire, to represent defendant in such proceedings, (see Doc. 53), and that defendant filed the instant motion without assistance from counsel, see United States v. D'Amario, 268 F. App'x 179, 180 (3d Cir. 2008) ("The Constitution does not confer a right to proceed simultaneously by counsel and *pro se* . . ."); see also United States v. Vampire Nation, 451 F.3d 189, 206 n.17 (3d Cir. 2006), it is hereby ORDERED that the motion (Doc. 50) is DENIED without prejudice to defendant's right to file a motion seeking similar relief with the assistance of counsel.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge